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District of Nevada  
Nevada Bar Number 13644

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*Attorneys for the United States*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

RICHARD SCAVONE,

Judgment Debtor,

and

PUBLIC EMPLOYEES RETIREMENT  
SYSTEM OF NEVADA, and its Successors  
or Assigns,

Garnishee.

Case No.: 2:16-CR-00005-RFB

**MOTION FOR ENTRY OF A FINAL  
ORDER OF GARNISHMENT**

The Plaintiff, the United States of America, by counsel, NICHOLAS A. TRUTANICH, United States Attorney for the District of Nevada, and SUMMER A. JOHNSON, Assistant United States Attorney, respectfully moves the Court to enter the Final Order of Continuing Garnishment in this matter pursuant to Section 3205 of the Federal Debt Collection Procedures Act of 1990, 28 U.S.C. § 3205(c)(7). In support of this motion, the United States claims:

1. This Court entered judgment against Richard Scavone on January 11, 2018 (ECF No. 84), and the outstanding balance as of July 31, 2020 is \$24,560.25.

2. The amount owing is a debt to the United States as defined in the Federal Collection Procedures Act of 1990 (“FDCPA”), 28 U.S.C. § 3301-3308. See 28 U.S.C. § 3002(3)(B).

3. An Application for Writ of Continuing Garnishment was filed by the United States on December 26, 2019 (ECF No. 100), and a Writ of Continuing Garnishment directed to Garnishee was duly issued. (ECF No. 101). The Garnishee was served the Writ of Continuing Garnishment on October 17, 2019. (ECF No. 112).

4. Pursuant to the Writ of Continuing Garnishment, the Garnishee filed an Answer stating that at the time of the service of the Writ it had in its possession, custody, or control personal property belonging to and due the Judgment Debtor in the form of a pension which paid the Judgment Debtor net income of \$1,602.52 per month. (ECF No. 112).

5. The Judgment Debtor was served by electronic service and First Class US Mail, Return Receipt requested, a copy of the Writ of Continuing Garnishment and Notified of his right to a hearing. The Judgment Debtor has not requested a hearing to determine exempt property.

6. The FDCPA, 28 U.S.C. § 3205(a) *et seq.*, permits a court to garnish up to twenty-five percent of nonexempt disposable earnings. See 28 U.S.C. § 3002(9).

7. All conditions to the issuance of a final order in continuing garnishment against the nonexempt earnings of the Judgment Debtor are fully satisfied, and the entry of the Final Order in Continuing Garnishment is appropriate. See 28 U.S.C. § 3205(c)(7) (“After the garnishee files an Answer and if no hearing is requested within the required time period, the Court shall promptly enter an Order directing the garnishee as to the disposition of the Judgment Debtor’s nonexempt interest in such property.”)

Respectfully submitted,

NICHOLAS A. TRUTANICH  
United States Attorney

/s/ Summer A. Johnson  
SUMMER A. JOHNSON  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2020, I served all of the parties in this case the United States' Motion for Final Order of Garnishment by CM/ECF and by first class mail, postage prepaid, as follows:

Garnishee:

Public Employee's Retirement System  
693 W. Nye Lane  
Carson City, NV 89703

Judgment Debtor:

Richard Scavone  
44 Bovinizer St.  
Staten Island, NY 10312

/s/ Summer A. Johnson  
SUMMER A. JOHNSON  
Assistant United States Attorney

NICHOLAS A. TRUTANICH  
United States Attorney  
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**UNITED STATES DISTRICT COURT  
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SYSTEM OF NEVADA, and its Successors  
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**FINAL ORDER OF GARNISHMENT**

This matter is before the Court for consideration of the entry of a final order in garnishment pursuant to Section 3205 of the Federal Debt Collections Procedures Act of 1990, 28 U.S.C. § 3205, against the non-exempt earnings of the Judgment Debtor, RICHARD SCAVONE.

The United States filed an Application for Writ of Garnishment seeking any nonexempt property belonging to or owed the Judgment Debtor by Public Employees Retirement System of Nevada, its Successors or Assigns ("Garnishee"). A Writ of Garnishment was properly served on Garnishee, which filed an Answer stating that it had in

1 its possession, custody or control, personal property belonging to and due the Judgment  
2 Debtor in the form of pension benefits which paid the Judgment Debtor net income of  
3 \$1,602.52 per month.

4 The Judgment Debtor was served with the Writ of Garnishment and notified of his  
5 right to claim an exemption or request a hearing. The Judgment Debtor did not request a  
6 hearing to determine exempt property.

7 Having considered the Application, Garnishee's Answer and noting that the  
8 Judgment Debtor has not exercised his right to request a hearing, the Court GRANTS the  
9 United States' Motion for Final Order of Garnishment and orders as follows:

10 IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Garnishee  
11 is hereby ordered to pay into the hands of the Clerk, U.S. District Court, at least monthly,  
12 the lesser of:

- 13 1. Twenty-five percent (25%) of Judgment Debtor's disposable earnings; or
- 14 2. All amounts of Judgment Debtor's disposable earnings in excess of 30 times the  
15 federal minimum hourly wage. See 15 U.S.C. § 1673(a)

16 To calculate disposable earnings, subtract the following from wages, commissions,  
17 income:

- 18 1. Federal Income Tax; and
- 19 2. Federal Social Security Tax; and
- 20 3. Other state and local income taxes (if any).

21 IT IS FURTHER ORDERED, ADJUDGED and DECREED that all monies  
22 previously held by the Garnishee in accordance with the Writ of Garnishment shall  
23 immediately be paid to the United States.

24 IT IS FURTHER ORDERED, ADJUDGED and DECREED that these sums are to  
25 be applied to the Judgment rendered in the matter in the sum of \$23,725.00, upon which  
26 there is an unpaid balance of \$24,560.25 due, as of July 31, 2020. These deductions are to  
27 continue until the total amount due, plus accruing interest, is fully paid and satisfied.  
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1 Checks should be made payable to:

2 Clerk of the Court, U.S. District Court

3 Mailed to:

4  
5 Clerk of the Court, U.S. District Court  
6 333 Las Vegas Boulevard South,  
7 Suite 1334 Las Vegas, NV 89101

8 And bearing case number: 2:16-CR-00005-RFB

9 Dated: March 12, 2021



10 RICHARD F. BOULWARE, II  
11 UNITED STATES DISTRICT JUDGE  
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